

# **EXHIBIT 4**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK: PART 48

-----x  
IN RE: OPIOID LITIGATION

INDEX NO.: 400000/2017

-----x  
August 18, 2020  
Central Islip, New York

MINUTES OF FRYE HEARING  
(Testimony of James Rafalski)

B E F O R E: HON. JERRY GARGUILO  
Supreme Court Justice

A P P E A R A N C E S:

SIMMONS HANLY CONROY, LLC  
**Attorneys for Suffolk County**  
112 Madison Avenue  
New York, New York 10016  
BY: PAUL J. HANLY, JR., ESQ.  
JAYNE CONROY, ESQ.,  
(212) 784-6401  
phanly@simmonsfirm.com  
jconroy@simmonsfirm.com

NAPOLI SHKOLNIK, PLLC  
**Attorneys for Nassau County**  
400 Broadhollow Road, Suite 305  
Melville, New York 11747  
BY: HUNTER SKOLNICK, ESQ.  
SALVATORE C. BADALA, ESQ.  
JOSEPH L. CIACCIO, ESQ.  
(212) 397-1000  
pnapoli@napolilaw.com  
sbadala@napolilaw.com  
jciaccio@napolilaw.com

1  
2 and giving that answer at your deposition?

3 A I don't specifically recall it, but I  
4 don't dispute the deposition record.

5 Q. Do you dispute the truth of that  
6 statement?

7 A Yes, sir.

8 Q. You do dispute the truth of that  
9 statement that you made?

10 A I do not. I'm sorry.

11 Q. Okay. And you looked at his testimony.  
12 Do you see the part of his testimony where he said,  
13 I probably would come up with 5 or 10 different  
14 small decisions that needed to be made in order to  
15 operationalize it? Did you see that portion of his  
16 testimony?

17 A I don't specifically recall that.

18 Q. Okay. Do you know what the 5 to 10  
19 decisions he had to make to be able to perform his  
20 Method A calculation that you relied on? Do you  
21 know what those 5 to 10 decisions were?

22 A No, sir.

23 Q. So not knowing how he took the data and  
24 made the 5 to 10 decisions, you don't know how far  
25 of a gap there is between his outputs and that